

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

<b>ADAM FRIED, ADMINISTRATOR, ESTATE OF DESMOND FRANKLIN,</b>	) CASE NO.: 1:22-CV-00061
	)
Plaintiff,	) JUDGE DAN AARON POLSTER
	)
vs.	)
	)
<b>JOSE GARCIA,</b>	)
	)
Defendant.	)

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**DECLARATION OF JONATHAN SCHUBERT**

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STATE OF OHIO )  
                    )  
                    ) SS:  
COUNTY OF CUYAHOGA )

Jonathan Schubert, pursuant to 28 U.S.C. § 1746(2), certifies under penalty of perjury the following is true and correct:

1. My name is Jonathan Schubert. I have personal knowledge about all of the facts in this declaration.
2. On April 9, 2020, I was driving my personal car on Archwood Avenue in Cleveland, Ohio near Riverside Cemetery. I made a left onto Pearl Road and drove toward I-71. What I witnessed happened very quickly in real time but time seemed to slow down in my own mind.



3. I was travelling northbound behind a silver Honda that I know now belonged to Officer Garcia in the curb lane of Pearl Road. At the time, I had no idea who he was and did not know that he was a police officer.

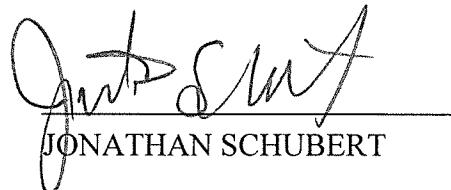
4. I saw a maroon Ford Taurus come flying by to try to catch up with the silver Honda. I did not know this at the time, but I since learned that the maroon car was driven by Desmond Franklin. It was like his car came out of nowhere. It appeared to me that the maroon car was aggressively trying to catch the silver one. It looked to me like he wanted to have a confrontation with the driver of the silver Honda. The maroon car made an aggressive move slightly into the lane of the silver car as though it was trying to make him stop. The maroon car in the other lane was very close to the silver car ahead of me at that point.

5. It immediately made me uncomfortable. I slowed down because I thought there might be trouble. I then heard gunshots in a quick rhythm. I thought that I heard fewer than five shots, but it happened very quickly. At the time I thought that the driver of the maroon car shot at the driver of the silver car and then sped forward. I made a u-turn and headed back toward Dennison Avenue because I thought there was going to be shootout between the occupants of the two cars.

6. I later received a call from a Cuyahoga County detective. They saw my vehicle in surveillance video. I met with law enforcement and told them what I witnessed that day.

**FURTHER DECLARANT SAYETH NAUGHT.**

I declare under penalty of perjury that the foregoing is true and accurate. Executed on the 25<sup>th</sup> day of September, 2023.



JONATHAN SCHUBERT